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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER	
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6-24-01 resp. 3 mo
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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APR 16 2001
MAR 30 2001
Rockey, Milnamow & Katz, Ltd.

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Office Action Summary	Application No. 09/023,556	Applicant(s) KOTOB ET AL.	
	Examin r Jamara A. Franklin	Art Unit 2876	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

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Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02/13/98* is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☐ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other:

DETAILED ACTION

Acknowledgment is made of the preliminary remarks filed on 2/13/01. Claims 1-24 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, 5-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. (US 5,218,528) in view of Webb (US 4,774,665) and in further view of Davis, III et al (US 5,583,329).

Wise et al. disclose a plurality of connected automated voting devices each consisting of a monitor for displaying ballots and election information (fig. 4), a means for counting votes (col. 6, lines 32-33), a means of allowing a voter to write in a vote and then recording write in votes (col. 8, lines 26-32 and col. 11, lines 44-56), multiple locals for storing counted votes (mass storage device 43 and vote collection database 14), and a means of letting a voter void his/her ballot before casting the vote (col. 9, lines 8-13). After the voting process, a code (allowing voting stations 12 to be operable) is then abandoned and the voting station 12 is inactivated until a new activation code is received (col. 8, lines 27-32). The vote entry controller 11 includes a mass storage device 43 where it tallies and records the number of votes collected at each vote entry station. It is also in data communication 36 with vote collection database 14 where a total vote count is stored (col. 6, lines 29-33 and col. 4, lines 6-8).

Regarding claim 10, as broadly set forth in this claim, the act of a voter placing his/her vote serves as a confirmation that the selection of ballot made by the poll watchers is correct. A process is also disclosed where a voter may choose the language in which the ballot is received and instructions are given (fig. 5A and fig. 5B). With respect to claim 9, while only two languages are illustrated, obviously, the selection may consist of more than two languages to accommodate people of various cultural backgrounds. The modification would have represented an obvious design expedient.

Wise et al. do not show an automated voting device utilizing either a touch screen (a graphical user interface) for displaying or a printer for printing counted votes.

Regarding security aspects, not disclosed is an internal password (provided by the election authority) or external security check operation, an identifying label or tag affixed to the voting device, or a way to test the accuracy of the voting station prior to or after the election.

Webb teaches an electronic computerized voting apparatus that permits testing of the computerized operations before and after the election has taken place (col. 4, lines 55-63), and displays information concerning the election (which may include counted votes) on the display screen 48 (col. 5, lines 17-19) and on printout paper from the line printer 50 (col. 5, lines 22-30). Concerning security checks, there is described the practice of inserting an external device into the voting device to activate the system (col. 4, line 66- col. 5, line 17) and the practice of applying an identifying label onto the actual voting device (col. 3, line 68- col. 4, line 2). Webb lacks the discussion of a touch screen triggered by the act of pointing to and touching the screen.

Davis, III et al. describe a computerized electronic voting system which includes a voting terminal consisting of a touch screen display (the only interface between the voter and the voting terminal) which displays election information (col. 4, lines 30-31 and fig 2).

An automated, computerized voting device featuring ample storage space and display options for counted votes, various security checks, and several voter preferences (including language and ballot style) is beneficial whereas a voter may conveniently and safely cast a vote that will be well guarded and prospectively free of tampering from any outside force. Employing a touch screen display is an obvious alternative to a regular monitor and keyboard because it is a more modern of techniques in which to input data securely into a voting terminal. For these

reasons set forth, it would have been obvious to someone of ordinary skill in the art to combine the teachings of the preceding inventors.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb/Davis, III et al. as applied to claim 2 above, and further in view of Lohry et al (U.S. 5,758,325). Wise et al./Webb/Davis, III et al. have been discussed above.

There is no teaching of a security operation involving entry of a password.

Lohry et al. teach such a password entry in an electronic voting system (col. 2, lines 43-48 and col.4, lines 8-12).

Since one of ordinary skill would have recognized the benefits of password protection to ensure the integrity of the voting system, it would have been obvious to provide Wise et al./Webb/Davis, III et al. with the password security as taught by Lohry et al.

4. Claims 8, 12, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb/Davis, III et al. as applied to claim 1 above, and further in view of Katayama et al (US 6,073,054). The teachings of Wise et al./Webb/Davis, III et al. have been discussed above.

Wise et al./Webb/Davis, III et al. fail to teach one of a plurality of voting stations controlling all the other voting stations.

Katayama et al. teach an information processing system comprising a supervising information processing system 1 and one or more subsystems 3. In operation, the supervising system 1 directs the plurality of subsystems 3.

One of ordinary skill in the art would have readily recognized that having one vote processing system control all other vote processing systems is beneficial, as opposed to having two separate units, since the controlling system is merged into the voting station, thereby taking up less space and consuming less power. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Wise et al./Webb/Davis, III et al. with the master-slave system as taught by Katayama et al.

5. Claims 14-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. in view of Webb.

Wise et al. disclose a voting system which performs the tasks of registering and certifying voters and collecting their votes. Here, Wise et al. teach steps including the activation of the individual vote entry station 12 upon receiving an activation code (col. 8, lines 27-29), the authorization by code for voter activation of a ballot (col.3, lines 41-44 and col. 6, lines 40-43), the displaying of ballot information on display screens 62 located within individual vote entry stations and permitting a voter to enter votes at one of the individual stations (col. 8, lines 60-62), the inactivation of the individual vote entry station 12 to prohibit further voting (col. 8, lines 29-32), and the interconnection of a plurality of vote entry stations 12 via communication links 15 (fig 1).

However, Wise et al. fail to teach the steps of testing for pre-election and post-election program accuracy, recording and tabulating votes within the vote entry station 12, and printing recorded election information on a related printer within the vote entry station 12.

Webb discloses a computerized vote-counting apparatus to be used at a precinct

protected against unauthorized access, therefore it would have been obvious to combine the teachings.

7. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb as applied to claim 14 above, and further in view of Katayama et al. The teachings of Wise et al./Webb have been discussed above.

Wise et al./Webb fail to teach one of a plurality of voting stations controlling all the other voting stations.

The teachings of Katayama et al. have been discussed above.

Once again, one of ordinary skill in the art would have readily recognized that having one vote processing system control all other vote processing systems is beneficial, as opposed to having two separate units, since the controlling system is merged into the voting station, thereby taking up less space and consuming less power. Therefore, it would have been obvious at the time the invention was made to modify the teachings of Wise et al./Webb with the master-slave system as taught by Katayama et al.

Response to Arguments

8. Applicant's arguments filed 2/13/01 have been fully considered but they are not persuasive.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine such references is found in the desire to create a unitary system to provide the operator of the voting station with a plurality of security features and to make the entire process of voting (from the beginning to the end) quicker, simpler, and more efficient so as to conserve time, energy, and cost.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (703) 305-0128. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jamara A. Franklin
Examiner
Art Unit 2876

March 19, 2001

KARL D. FRECH
PRIMARY EXAMINER